

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

KATHY F. TOLER,

Plaintiff,

v.

CIVIL ACTION NO. 5:15-cv-01794

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

On February 13, 2015, the Plaintiff filed a *Complaint* (Document 2) seeking review of the final decision of the Commissioner of Social Security denying the Plaintiff's application for Social Security disability. Subsequently filed were the parties' cross-motions for judgment on the pleadings (Documents 11 and 12).

By Orders entered on February 17, 2015, and January 5, 2016 (Documents 4 and 14), this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 19, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 15) wherein it is recommended that this Court deny the Plaintiff's motion for judgment on the pleadings, grant the Defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this action from the

Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 5, 2016.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); see also *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's motion for judgment on the pleadings (Document 11) be **DENIED** and that the Defendant's motion for judgment on the pleadings (Document 12) be **GRANTED**. The Court further **ORDERS** that the final decision of the Commissioner be **AFFIRMED** and that this action be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: February 11, 2016



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA